

CAUSE NO. \_\_\_\_\_

**ROBERTO RAMIREZ***Plaintiff,*

v.

**LAWRENCE RAMIREZ***Defendants.*§  
§  
§  
§  
§  
§  
§  
§  
§**IN THE DISTRICT COURT OF****HARRIS COUNTY, TEXAS**\_\_\_\_ **JUDICIAL DISTRICT****PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Roberto Ramirez complains of Defendant, Lawrence Ramirez and would respectfully show the Court that:

**Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because the collision occurred, wholly, in Harris County.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief of more than \$200,000.00, but no more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled.

**Parties**

4. Plaintiff Roberto Ramirez is an individual who resides in Harris County, Texas.

5. Defendant Lawrence Ramirez is an individual residing in Harris County. Defendant may be served at her residence at 19700 Hickory Twig, Spring Texas in Harris County, Texas or wherever found.

### **Facts**

6. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about July 24, 2020. At that time, Plaintiff was driving through the intersection when Defendant Ramirez failed to yield and caused a collision with Plaintiff resulting in serious bodily injury.

7. Defendant Ramirez aforementioned conduct constitutes negligence, gross negligence, and/or negligence *per se* for one or more of the following reasons:

- a. Failed to operate the vehicle safely;
- b. Failed to keep a proper lookout;
- c. Failed to timely apply brakes;
- d. Failed to take proper evasive action;
- e. Failed to maintain a safe distance;
- f. Violated applicable, local, state and federal laws and/or regulations;
- g. Other acts so deemed negligent.

### **Damages**

8. As a direct and proximate result of the above-described actions of Defendants, Plaintiff will show that he has suffered actual damages within the jurisdictional limits of this Court. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;

- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity.

14. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre- and post-judgment interest.

**Jury Demand**

15. Plaintiff hereby demands a trial by jury.

**Rule 193.7 Notice**

16. Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

**Prayer**

For the reasons discussed herein, Plaintiff prays this court cite Defendant to appear and answer herein and that Plaintiff have judgment taken against Defendant, and recover all damages allowed by law, pre-judgment and post judgment interest as allowed by law, exemplary damages, costs of court, and such other and further relief, both general and special, at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

**MIKE VADIE P.C.**

By: /s/ Mike Vadie

Mike Vadie  
State Bar No. 24048853  
1980 Post Oak Blvd  
Houston TX 77056  
Tel: (713) 439-7005  
Fax: (713) 529-0228  
Eservice : Mikevadie@yahoo.com

**ATTORNEY FOR PLAINTIFF**

**CAUSE NO. 202123638****ROBERTO RAMIREZ***Plaintiff,***v.****LAWRENCE RAMIREZ***Defendants.*§  
§  
§  
§  
§  
§  
§  
§  
§**IN THE DISTRICT COURT OF****HARRIS COUNTY, TEXAS****125<sup>th</sup> JUDICIAL DISTRICT****PLAINTIFF'S NOTICE OF APPEARANCE OF CO-COUNSEL**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff, Roberto Ramirez, hereby notifies the Court and all parties that they designate the following as co-counsel for the Plaintiff, along with Mike Vadie:

**KHERKHER GARCIA, LLP**

Steven J. Kherkher

State Bar No. 11375950

Mohammad Abdel-Rahman

State Bar No. 24107684

Matt Martin

State Bar No. 24090246

2925 Richmond Ave, Suite 1560

Houston, Texas 77098

(713) 333-1030

(713) 333-1029 (Fax)

**ECF Email: [SKherkher-team@KherkherGarcia.com](mailto:SKherkher-team@KherkherGarcia.com)**

[Signature on following page]

Respectfully submitted,

**KHERKHER GARCIA, LLP**

By: /s/ Mohammad Abdel-Rahman

Steven J. Kherkher  
State Bar No. 11375950  
Mohammad Abdel-Rahman  
State Bar No. 24107684  
Matt Martin  
State Bar No. 24090246  
2925 Richmond Ave Ste 1560  
Houston, Texas 77098  
Tel: (713) 333-1030  
Fax: (713) 333-1029  
**ECF Email: [Skherkher-  
team@kherkhergarcia.com](mailto:Skherkher-team@kherkhergarcia.com)**

**MIKE VADIE P.C.**

By: /s/ Mike Vadie

Mike Vadie  
State Bar No. 24048853  
1980 Post Oak Blvd  
Houston TX 77056  
Tel: (713) 439-7005  
Fax: (713) 529-0228  
**Eservice : Mikevadie@yahoo.com**

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been forwarded to the following parties via first class mail, on April 29, 2021:

Lawrence Ramirez  
3027 Anglers Way,  
Pinehurst Texas 77362

/s/Mohammad Abdel-Rahman  
Mohammad Abdel-Rahman

**CAUSE NO. 2021-23638**

<b>HUMBERTO RAMIREZ, ALEXIS</b>	§	<b>IN THE DISTRICT COURT OF</b>
<b>GONZALES, MISSEY RODRIGUEZ</b>	§	
<b>INDIVIDUALLY A/N/F OF MINOR</b>	§	
<b>CHILD A.R.</b>	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
<b>v.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>LAWRENCE VASQUEZ, J.R. and</b>	§	
<b>WHEELS, INC. D/B/A ILLINOIS</b>	§	
<b>WHEELS, INC.</b>	§	
<i>Defendants.</i>	§	<b>125<sup>th</sup> JUDICIAL DISTRICT</b>

**PLAINTIFFS' FIRST AMENDED PETITION, JURY DEMAND, AND**  
**RULE 193.7 NOTICE**

Plaintiffs, Humberto Ramirez, Alexis Gonzales, Missey Rodriguez Individually A/N/F Minor Child A.R, file this First Amended Petition, Jury Demand and Rule 193.7 Notice, of the acts and omissions of Lawrence Vasquez, Jr., ("Vasquez") and Wheels, Inc, D/B/A Illinois Wheels, Inc. ("Wheels Inc.") hereinafter called Defendants, and for cause of action show unto the Court the following:

**I. DISCOVERY CONTROL PLAN LEVEL**

1. Pursuant to Texas Rule of Civil Procedure 190.4 the discovery of this case is to be conducted under a Level 3 Discovery Control Plan.

**II. PARTIES AND SERVICE**

2. Plaintiff, Humberto Ramirez, is an Individual who resides in Liberty County, Texas.
3. Plaintiff, Alexis Gonzales, is an Individual who resides in Liberty County, Texas.
4. Plaintiff, Missey Rodriguez, is an Individual who resides in Liberty County, Texas.
5. Minor Plaintiff, A.R, is an Individual who resides in Liberty County, Texas.

6. Defendant, Wheels, Inc, D/B/A Illinois Wheels, Inc, is an Illinois corporation doing business in Texas and may be served with process by serving its registered agent for service, CT Corporation System, in person or mailing by registered or certified mail, return receipt requested, a true copy of the citation and petition at its registered address, 1999 Bryan St., Ste 900 Dallas TX 75201 or any other place where it may be found.

7. Defendant, Lawrence Vasquez, Jr, is an Individual who is a resident of Harris County Texas. He may be served with process at his home at the following address 19700 Hickory Twig, Spring Texas, or wherever he may be found. Service of said Defendant can be effected by personal delivery.

### **III. JURISDICTION AND VENUE**

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. This court has jurisdiction over the parties because Defendant Lawrence Vasquez, Jr is a Texas resident at the time that the cause of action accrued.

10. Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### **IV. FACTS**

11. On or about July 24, 2020, Plaintiffs' were traveling Westbound on the feeder road of N. Sam Houston W. Parkway in Harris County, Texas. Defendant, Vasquez, then in the course and scope of his employment with Wheels Inc, was travelling Northbound on Ella Blvd when he disregarded a traffic signal, ran the red light and caused a major collision with Plaintiffs causing serious and substantial injuries. The collision occurred as a direct and proximate result of Defendant, Vasquez and Wheels Inc's negligence.

12. Plaintiffs did nothing that caused the incident or their injuries.

**V. PLAINTIFFS' CLAIM OF RESPONDEAT SUPERIOR  
AGAINST DEFENDANT WHEELS, INC, D/B/A ILLINOIS WHEELS, INC.**

13. At all times material to this lawsuit, Defendant Lawrence Vasquez Jr. was an employee of Defendant Wheels, Inc, D/B/A Illinois Wheels, Inc., and was acting in the course and scope of his employment with this Defendant. Consequently, this Defendant is vicariously liable to Plaintiff for the negligent conduct of Defendant Lawrence Vasquez Jr. under the theory of *Respondeat Superior*.

14. The independent conduct of this Defendant constitutes negligence as that term is known in law. Such negligent acts or omissions include, but are not limited to the following:

- A. hiring and/or retaining Defendant Lawrence Vasquez Jr., whom it knew or should have known was a reckless or incompetent driver;
- B. entrusting a vehicle to Defendant Lawrence Vasquez Jr., whom it knew or should have known was a reckless or incompetent driver;
- C. failing to properly train Defendant Lawrence Vasquez Jr. in the safe operation/inspection of a commercial motor vehicle; and/or
- D. failing to properly supervise Defendant Lawrence Vasquez Jr.'s driving activities.

15. One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages.

**VI. PLAINTIFFS' CLAIM OF NEGLIGENCE  
AGAINST LAWRENCE VASQUEZ JR.**

16. The incident made the basis of this lawsuit resulted from the improper conduct of Defendant, Lawrence Vasquez Jr. The conduct of this Defendant constituted negligence as that term is understood in law and such negligent conduct was a proximate cause of the occurrence, injuries and damages to Plaintiffs made the basis of this suit. This Defendant's negligent actions



or omissions included, but are not limited to, one or more of the following non-exclusive particulars:

- A. In that Defendant Lawrence Vasquez Jr. failed to drive a tractor trailer in a manner that of a person of prudent care would have;
- B. In that Defendant Lawrence Vasquez Jr. failed carefully inspect the tractor trailer as outlined in the Federal Motor Carrier Safety Regulations;
- C. In that Defendant Lawrence Vasquez Jr. failed to properly secure his wheels/tires as a person of prudent care would have;
- D. In that Defendant Lawrence Vasquez Jr. failed to operate a motor vehicle as a person using ordinary prudent care would have done;

17. One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant, constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiff's injuries and damages.

## **VII. DAMAGES FOR THE PLAINTIFFS'**

18. As a result of the incident made the basis of this lawsuit described in the preceding paragraphs and the negligence of the Defendants, Plaintiffs' have sustained significant injuries and damages in the past.

19. Plaintiffs' respectfully request that the trier of fact determine the amount of their damages and losses that they have incurred in the past and future, as well as the monetary value of these damages, which include, but are not limited to:

- a. Physical pain and suffering in the past and future;
- b. Mental anguish in the past and future;
- c. Cost of medical care and treatment past and future;
- d. Physical impairment and disfigurement in the past and future;
- e. Lost wages in the past and future;
- f. Prejudgment and post-judgment interest; and

g. Exemplary damages.

20. The damages sought herein are within the jurisdictional limits of the court. Plaintiffs seek monetary relief of over a \$1,000,000.00.

21. Plaintiffs seeks both prejudgment and post judgment interest as allowed by law, for all costs of court, and demand judgment for all other relief, both in law and inequity, to which Plaintiffs' may be entitled.

### **VIII. DEMAND FOR TRIAL BY JURY**

22. Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiffs' respectfully requests and demands a trial by jury.

### **IX. DUTY TO DISCLOSE**

23. Pursuant to Texas Rule of Civil Procedure 194.1, Defendant is required to provide the information or material described in Rule 194.2, 194.3 and 194.4 without awaiting a discovery request from Plaintiffs'.

### **XI. RULE 193.7 NOTICE**

24. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs' hereby gives actual notice to Defendants that any and all documents produced may be used against the Defendant producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

### **XII. PRAYER**

25. For the foregoing reasons, Plaintiffs prays that Defendants be cited to appear and answer and that judgement be entered against Defendants for:

a. Actual damages above the jurisdictional minimum of the Court, including but not limited to the following:

- i. Physical pain and suffering in the past and future;
  - ii. Mental anguish in the past and future;
  - iii. Physical impairment in the past and future;
  - iv. Physical disfigurement;
  - v. Lost wages in the past and future; and
  - vi. Medical expenses in the past and future;
- b. All costs of court expended herein;
- c. Pre-judgment and post-judgment interest at the maximum rate allowed by law;
- d. Exemplary damages; and
- e. All other relief to which Plaintiffs' is justly entitled.

[Signature on following page]

Respectfully submitted,

**KHERKHER GARCIA, LLP**

By: /s/ Mohammad Abdel-Rahman  
Steven J. Kherkher  
State Bar No. 11375950  
Jesus Garcia, Jr.  
State Bar No. 24027389  
Mohammad Abdel-Rahman  
State Bar No. 24107684  
2925 Richmond Ave., Suite 1560  
Houston, Texas 77098  
Tel: (713) 333-1030  
Fax: (713) 333-1029  
**Service: Skherkher-team@kherkhergarcia.com**

**MIKE VADIE P.C.**

By: /s/ Mike Vadie  
Mike Vadie  
State Bar No. 24048853  
1980 Post Oak Blvd  
Houston TX 77056  
Tel: (713) 439-7005  
Fax: (713) 529-0228  
**Eservice : Mikevadie@yahoo.com**

**ATTORNEYS FOR PLAINTIFFS**



# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

5/24/2021 10:49:28 AM  
 Marilyn Burgess - District Clerk  
 Harris County  
 Envelope No: 53729232  
 By: HALL, BRITTANY  
 Filed: 5/24/2021 10:49:28 AM

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: \_\_\_\_\_

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: \_\_\_\_\_

Address of Service: \_\_\_\_\_

City, State &amp; Zip: \_\_\_\_\_

Agent (if applicable) \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Citation                              | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                 | <input type="checkbox"/> Newspaper _____              |  |   |
| <input type="checkbox"/> Temporary Restraining Order           | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                  |   |
| <input type="checkbox"/> Protective Order                      |   |  |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance)   | <input type="checkbox"/> Attachment              |   |
| <input type="checkbox"/> Certiorari                            | <input type="checkbox"/> Highway Commission (\$12.00) |  |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)   | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment             |   |
| <input type="checkbox"/> Habeas Corpus                         | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration           |   |
| <input type="checkbox"/> Subpoena                              |   |  |   |
| <input type="checkbox"/> Other (Please Describe) _____         |   |  |   |

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)   |
| <input type="checkbox"/> MAIL to attorney at: _____  | <b>Note:</b> The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, explain _____  |   |

Issuance of Service Requested By: Attorney/Party Name: \_\_\_\_\_ Bar # or ID \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_



# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

5/24/2021 10:49:28 AM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 53729232  
By: HALL, BRITTANY  
Filed: 5/24/2021 10:49:28 AM

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: \_\_\_\_\_

FILE DATE: \_\_\_\_\_ Month/Day/Year

**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):**

Issue Service to: \_\_\_\_\_

Address of Service: \_\_\_\_\_

City, State &amp; Zip: \_\_\_\_\_

Agent (if applicable) \_\_\_\_\_

**TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)**

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Citation                              | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                 | Newspaper _____                                       |  |   |
| <input type="checkbox"/> Temporary Restraining Order           | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                  |   |
| <input type="checkbox"/> Protective Order                      |   |  |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance)   | <input type="checkbox"/> Attachment              |   |
| <input type="checkbox"/> Certiorari                            | <input type="checkbox"/> Highway Commission (\$12.00) |  |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)   | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment             |   |
| <input type="checkbox"/> Habeas Corpus                         | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration           |   |
| <input type="checkbox"/> Subpoena                              |   |  |   |
| <input type="checkbox"/> Other (Please Describe) _____         |   |  |   |

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)   |
| <input type="checkbox"/> MAIL to attorney at: _____  | <b>Note:</b> The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, explain _____  |   |

**Issuance of Service Requested By:** Attorney/Party Name: \_\_\_\_\_ Bar # or ID \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**RETURN OF SERVICE**

**State of Texas**

**County of Harris**

**125th District Court**

Case Number: 2021-23638

Plaintiffs:

**HUMBERTO RAMIREZ, et al.**

vs.

Defendants:

**LAWRENCE VASQUEZ, J.R., et al.**

Received these papers on the 11th day of June, 2021 at 10:34 am to be served on **Wheels, Inc. D/B/A Illinois Wheels, Inc. C/O C.T. Corporation System: Registered Agent, 1999 Bryan Street, Suite 900, Dallas, Dallas County, TX 75201.**

I, Norman Lee Collins, do hereby affirm that on the **15th day of June, 2021 at 11:06 am, I:**

Delivered to the within named Corporation a true copy of the Citation with Plaintiffs' First Amended Petition, Jury Demand, and Rule 193.7 Notice with the date of delivery endorsed thereon by me, to C.T. Corporation System as Registered Agent and personally delivered to their designated agent for acceptance of delivery of process Kirk Atkins and informing said person of the contents thereof.

"My name is Norman Lee Collins. My date of birth is 10/11/1963. My address is 18601 LBJ Freeway, Suite 650, Mesquite, Texas 75150, USA. I declare under the penalty of perjury that the foregoing is true and correct. Executed in Dallas County, State of Texas, on the 15th day of June, 2021."



**Norman Lee Collins**  
PSC360; EXP. 7/31/2022

Our Job Serial Number: PEL-2021001555



**CAUSE NO. 2021-23638**

<b>HUMBERTO RAMIREZ, ALEXIS</b>	§	<b>IN THE DISTRICT COURT OF</b>
<b>GONZALES, MISSEY RODRIGUEZ</b>	§	
<b>INDIVIDUALLY A/N/F OF MINOR</b>	§	
<b>CHILD A.R.</b>	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
<b>v.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>LAWRENCE VASQUEZ, J.R.</b>	§	
<b>WHEELS, INC. D/B/A ILLINOIS</b>	§	
<b>WHEELS, INC. and FERGUSON</b>	§	
<b>ENTERPRISES LLC</b>	§	
<i>Defendants.</i>	§	<b>125<sup>th</sup> JUDICIAL DISTRICT</b>

**PLAINTIFFS' SECOND AMENDED PETITION, JURY DEMAND, AND**  
**RULE 193.7 NOTICE**

Plaintiffs, Humberto Ramirez, Alexis Gonzales, Missey Rodriguez Individually A/N/F Minor Child A.R, file this Second Amended Petition, Jury Demand and Rule 193.7 Notice, of the acts and omissions of Lawrence Vasquez, Jr., ("Vasquez") Wheels, Inc, D/B/A Illinois Wheels, Inc. ("Wheels Inc.") and Ferguson Enterprises LLC, ("Ferguson") hereinafter called Defendants, and for cause of action show unto the Court the following:

**I. DISCOVERY CONTROL PLAN LEVEL**

1. Pursuant to Texas Rule of Civil Procedure 190.4 the discovery of this case is to be conducted under a Level 3 Discovery Control Plan.

**II. PARTIES AND SERVICE**

2. Plaintiff, Humberto Ramirez, is an Individual who resides in Liberty County, Texas.

3. Plaintiff, Alexis Gonzales, is an Individual who resides in Liberty County, Texas.

4. Plaintiff, Missey Rodriguez, is an Individual who resides in Liberty County, Texas.



5. Minor Plaintiff, A.R, is an Individual who resides in Liberty County, Texas.

6. Defendant, Wheels, Inc, D/B/A Illinois Wheels, Inc, is an Illinois corporation doing business in Texas and may be served with process by serving its registered agent for service, CT Corporation System, in person or mailing by registered or certified mail, return receipt requested, a true copy of the citation and petition at its registered address, 1999 Bryan St., Ste 900 Dallas TX 75201 or any other place where it may be found.

7. Defendant, Ferguson Enterprises, LLC, is a Virginia corporation doing business in Texas and may be served with process by serving its registered agent for service, Corporate Creations Network Inc. in person or mailing by registered or certified mail, return receipt requested, a true copy of the citation and petition at its registered address at 5444 Westheimer Rd. #1000 Houston Texas or any other place where it may be found.

8. Defendant, Lawrence Vasquez, Jr, is an Individual who is a resident of Harris County Texas. He may be served with process at his home at the following address 19700 Hickory Twig, Spring Texas, or wherever he may be found. Service of said Defendant can be effected by personal delivery.

### **III. JURISDICTION AND VENUE**

9. The subject matter in controversy is within the jurisdictional limits of this court.

10. This court has jurisdiction over the parties because Defendant Lawrence Vasquez, Jr is a Texas resident at the time that the cause of action accrued.

11. Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### **IV. FACTS**

12. On or about July 24, 2020, Plaintiffs' were traveling Westbound on the feeder road

of N. Sam Houston W. Parkway in Harris County, Texas. Defendant, Vasquez, then in the course and scope of his employment with Wheels Inc and Ferguson Enterprises, was travelling Northbound on Ella Blvd when he disregarded a traffic signal, ran the red light and caused a major collision with Plaintiffs causing serious and substantial injuries. The collision occurred as a direct and proximate result of Defendant, Vasquez, Ferguson Enterprises and Wheels Inc's negligence.

13. Plaintiffs did nothing that caused the incident or their injuries.

**V. PLAINTIFFS' CLAIM OF RESPONDEAT SUPERIOR  
AGAINST DEFENDANT WHEELS, INC, D/B/A ILLINOIS WHEELS, INC.**

14. At all times material to this lawsuit, Defendant Lawrence Vasquez Jr. was an employee of Defendant Wheels, Inc, D/B/A Illinois Wheels, Inc., and was acting in the course and scope of his employment with this Defendant. Consequently, this Defendant is vicariously liable to Plaintiff for the negligent conduct of Defendant Lawrence Vasquez Jr. under the theory of *Respondeat Superior*.

15. The independent conduct of this Defendant constitutes negligence as that term is known in law. Such negligent acts or omissions include, but are not limited to the following:

- A. hiring and/or retaining Defendant Lawrence Vasquez Jr., whom it knew or should have known was a reckless or incompetent driver;
- B. entrusting a vehicle to Defendant Lawrence Vasquez Jr., whom it knew or should have known was a reckless or incompetent driver;
- C. failing to properly train Defendant Lawrence Vasquez Jr. in the safe operation/inspection of a commercial motor vehicle; and/or
- D. failing to properly supervise Defendant Lawrence Vasquez Jr.'s driving activities.

16. One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages.

**VI. PLAINTIFFS' CLAIM OF RESPONDEAT SUPERIOR  
AGAINST DEFENDANT FERGUSON ENTERPRISES, LLC.**

17. At all times material to this lawsuit, Defendant Lawrence Vasquez Jr. was an employee of Defendant Ferguson Enterprises., and was acting in the course and scope of his employment with this Defendant. Consequently, this Defendant is vicariously liable to Plaintiff for the negligent conduct of Defendant Lawrence Vasquez Jr. under the theory of *Respondeat Superior*.

18. The independent conduct of this Defendant constitutes negligence as that term is known in law. Such negligent acts or omissions include, but are not limited to the following:

- A. hiring and/or retaining Defendant Lawrence Vasquez Jr., whom it knew or should have known was a reckless or incompetent driver;
- B. entrusting a vehicle to Defendant Lawrence Vasquez Jr., whom it knew or should have known was a reckless or incompetent driver;
- C. failing to properly train Defendant Lawrence Vasquez Jr. in the safe operation/inspection of a commercial motor vehicle; and/or
- D. failing to properly supervise Defendant Lawrence Vasquez Jr.'s driving activities.

19. One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages.

**VII. PLAINTIFFS' CLAIM OF NEGLIGENCE  
AGAINST LAWRENCE VASQUEZ JR.**

20. The incident made the basis of this lawsuit resulted from the improper conduct of Defendant, Lawrence Vasquez Jr. The conduct of this Defendant constituted negligence as that term is understood in law and such negligent conduct was a proximate cause of the occurrence, injuries and damages to Plaintiffs made the basis of this suit. This Defendant's negligent actions

or omissions included, but are not limited to, one or more of the following non-exclusive particulars:

- A. In that Defendant Lawrence Vasquez Jr. failed to drive a tractor trailer in a manner that of a person of prudent care would have;
- B. In that Defendant Lawrence Vasquez Jr. failed carefully inspect the tractor trailer as outlined in the Federal Motor Carrier Safety Regulations;
- C. In that Defendant Lawrence Vasquez Jr. failed to properly secure his wheels/tires as a person of prudent care would have;
- D. In that Defendant Lawrence Vasquez Jr. failed to operate a motor vehicle as a person using ordinary prudent care would have done;

21. One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant, constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiff's injuries and damages.

#### **VIII. DAMAGES FOR THE PLAINTIFFS'**

22. As a result of the incident made the basis of this lawsuit described in the preceding paragraphs and the negligence of the Defendants, Plaintiffs' have sustained significant injuries and damages in the past.

23. Plaintiffs' respectfully request that the trier of fact determine the amount of their damages and losses that they have incurred in the past and future, as well as the monetary value of these damages, which include, but are not limited to:

- a. Physical pain and suffering in the past and future;
- b. Mental anguish in the past and future;
- c. Cost of medical care and treatment past and future;
- d. Physical impairment and disfigurement in the past and future;
- e. Lost wages in the past and future;
- f. Prejudgment and post-judgment interest; and

g. Exemplary damages.

24. The damages sought herein are within the jurisdictional limits of the court. Plaintiffs seek monetary relief of over a \$1,000,000.00.

25. Plaintiffs seeks both prejudgment and post judgment interest as allowed by law, for all costs of court, and demand judgment for all other relief, both in law and inequity, to which Plaintiffs' may be entitled.

#### **IX. DEMAND FOR TRIAL BY JURY**

26. Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiffs' respectfully requests and demands a trial by jury.

#### **X. DUTY TO DISCLOSE**

27. Pursuant to Texas Rule of Civil Procedure 194.1, Defendant is required to provide the information or material described in Rule 194.2, 194.3 and 194.4 without awaiting a discovery request from Plaintiffs'.

#### **XI. RULE 193.7 NOTICE**

28. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs' hereby gives actual notice to Defendants that any and all documents produced may be used against the Defendant producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

#### **XII. PRAYER**

29. For the foregoing reasons, Plaintiffs prays that Defendants be cited to appear and answer and that judgement be entered against Defendants for:

a. Actual damages above the jurisdictional minimum of the Court, including but not limited to the following:

- i. Physical pain and suffering in the past and future;
  - ii. Mental anguish in the past and future;
  - iii. Physical impairment in the past and future;
  - iv. Physical disfigurement;
  - v. Lost wages in the past and future; and
  - vi. Medical expenses in the past and future;
- b. All costs of court expended herein;
- c. Pre-judgment and post-judgment interest at the maximum rate allowed by law;
- d. Exemplary damages; and
- e. All other relief to which Plaintiffs' is justly entitled.

[Signature on following page]

Respectfully submitted,

**KHERKHER GARCIA, LLP**

By: /s/ Mohammad Abdel-Rahman  
Steven J. Kherkher  
State Bar No. 11375950  
Jesus Garcia, Jr.  
State Bar No. 24027389  
Mohammad Abdel-Rahman  
State Bar No. 24107684  
2925 Richmond Ave., Suite 1560  
Houston, Texas 77098  
Tel: (713) 333-1030  
Fax: (713) 333-1029  
**Service: Skherkher-team@kherkhergarcia.com**

**MIKE VADIE P.C.**

By: /s/ Mike Vadie  
Mike Vadie  
State Bar No. 24048853  
1980 Post Oak Blvd  
Houston TX 77056  
Tel: (713) 439-7005  
Fax: (713) 529-0228  
**Eservice : Mikevadie@yahoo.com**

**ATTORNEYS FOR PLAINTIFFS**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Steve Kherkher on behalf of Mohammad Abdel-Rahman  
Bar No. 24107684  
skherkher-team@kherkhergarcia.com  
Envelope ID: 56481615  
Status as of 8/19/2021 5:01 PM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Steven Joseph Kherkher	11375950	SKherkher-Team@KherkherGarcia.com	8/19/2021 4:16:57 PM	SENT
Mike Vadie	24048853	mikevadie@yahoo.com	8/19/2021 4:16:57 PM	SENT





# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

8/19/2021 4:16:57 PM  
 Marilyn Burgess - District Clerk  
 Harris County  
 Envelope No: 56481615  
 By: HILL, MARCELLA D  
 Filed: 8/19/2021 4:16:57 PM

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: \_\_\_\_\_

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: \_\_\_\_\_

Address of Service: \_\_\_\_\_

City, State &amp; Zip: \_\_\_\_\_

Agent (if applicable) \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Citation                              | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                 | Newspaper _____                                       |  |   |
| <input type="checkbox"/> Temporary Restraining Order           | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                  |   |
| <input type="checkbox"/> Protective Order                      |   |  |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance)   | <input type="checkbox"/> Attachment              |   |
| <input type="checkbox"/> Certiorari                            | <input type="checkbox"/> Highway Commission (\$12.00) |  |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)   | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment             |   |
| <input type="checkbox"/> Habeas Corpus                         | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration           |   |
| <input type="checkbox"/> Subpoena                              |   |  |   |
| <input type="checkbox"/> Other (Please Describe) _____         |   |  |   |

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)   |
| <input type="checkbox"/> MAIL to attorney at: _____  | <b>Note:</b> The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, explain _____  |   |

Issuance of Service Requested By: Attorney/Party Name: \_\_\_\_\_ Bar # or ID \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 202123638

PLAINTIFF: RAMIREZ, ROBERTO

In the 125th Judicial

vs.

District Court of

DEFENDANT: RAMIREZ, LAWRENCE

Harris County, Texas

## CITATION

THE STATE OF TEXAS  
County of Harris

TO: VASQUEZ, LAWRENCE (JR)

19700 HICKORY TWIG

SPRING TX 77388

OR WHEREVER HE MAY BE FOUND

Attached is a copy of PLAINTIFFS FIRST AMENDED PETITION JURY DEMAND AND RULE 193.7 NOTICE.

This instrument was filed on May 24, 2021, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this June 11, 2021.

*Marilyn Burgess*Marilyn Burgess, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002

Generated By: BRITTANY HALL

Issued at request of:  
Abdelrahman, MohammadTX  
903-780-4576

Bar Number: 24107684

Tracking Number: 73879395

CAUSE NUMBER: 202123638

PLAINTIFF: RAMIREZ, ROBERTO

vs.

DEFENDANT: RAMIREZ, LAWRENCE

In the 125th

Judicial District Court

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 12:43 o'clock P. M., on the 14 day of July, 2021.

Executed at (address) 7780 DANE Drive, Manassas, VA 20109  
in Prince William County

at 1:57 o'clock P. M., on the 16 day of August, 2021,

by delivering to Lawrence Ramirez Jr. defendant,

in person, a true copy of this  
Citation together with the accompanying 1 copy(ies) of the  
Plaintiff's First Amended Petition, Jury Demand Petition  
attached thereto and I endorsed on said copy of the Citation the date of delivery.

To August certify which I affix my hand officially this 23 day of August, 2021.

FEE: \$ \_\_\_\_\_

County, Texas

PCS-15922  
Exp. 10/31/2022

Billy Guerrero III  
Affiant

By: \_\_\_\_\_

Deputy

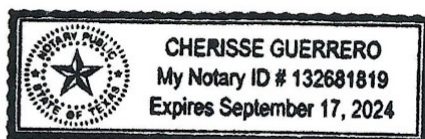
On this day, Billy Guerrero III, known to me to be  
the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited  
on the return.

SWORN TO AND SUBSCRIBED BEFORE  
August, 2021

ME on this 23 of

Cherisse Guerrero

Notary Public





**AFFIDAVIT OF SERVICE**

Cause No: 2021-23638  
In the District Court of HARRIS COUNTY, Texas  
125th Judicial District

HUMBERTO RAMIREZ, ALEXIS  
GONZALEZ, MISSEY RODRIGUEZ  
INDIVIDUALLY A/N/F OF MINOR  
CHILD A.R.

VS.

LAWRENCE VASQUEZ, J.R.  
WHEELS, INC. D/B/A ILLINOIS  
WHEELS, INC. AND FERGUSON  
ENTERPRISES LLC

Came to hand on 8/20/2021 at 11:09 a.m.

Executed at 5444 Westheimer Rd., #1000, Houston, Texas 77056, within the County of Harris at 8:56 a.m. on 08/23/2021, by delivering to the within named:

**FERGUSON ENTERPRISES LLC., Registered Agent Corporate Creations Network Inc., by and through Jacqueline Vasquez**, in person, delivered a true copy of this **Citation with Plaintiff's Second Amended Petition, Jury Demand, and Rule 193.7 Notice**, with the date of delivery endorsed thereon by me and informed said person of the contents herein, in compliance with the state statutes.

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103, 501 and 501.2 of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By: 

David A. Garza  
Republic Services  
2123 West Governors Circle  
Houston, Texas 77092 (713) 957-0094

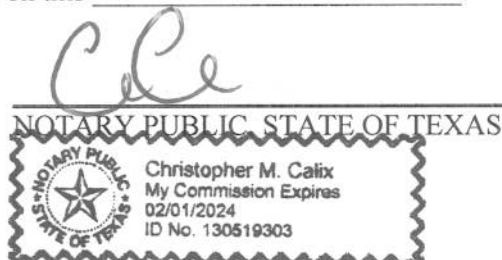
DAVID A. GARZA  
Authorized Private Process Server  
TEXAS SERVER LIC# PSC-502  
EXPIRES: 7-31-2022

**VERIFICATION**

STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared David A. Garza, known to me to be the person whose name is subscribed to the foregoing documents and being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office on this 9/1/21.




AFFIDAVIT OF AUTHORITY

I, Veronica C. Valega, Operations Director of Corporate Creations Network Inc. and United Agent Group Inc., do hereby authorize Regus, and all of its staff, including but not limited to ~~Maria Newman~~ and Harold Shultz, to accept and mail all documents, including any and all court documents served or delivered by the court, private server, sheriff, courier, or otherwise, on behalf of me and my companies. This authorization includes signing on behalf of myself, Corporate Creations Network Inc., or United Agent Group Inc. to accept all mail and documents, including court documents served or delivered by the court, private server, sheriff, courier, or otherwise to 5444 Westheimer #1000, Houston, TX 77056.

HEREBY SEEN AND AGREED:

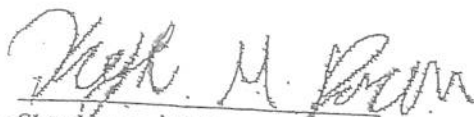
Jacqueline Vasquez

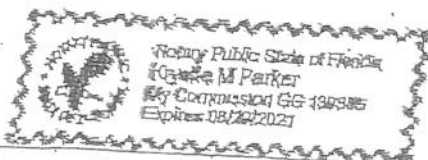
  
Veronica C. Valega  
Operations Director  
Corporate Creations Network Inc.  
United Agent Group Inc.

7/20/20  
DATE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of July, 2020 by the above named signatory, who is personally known to me or who produced a drivers license or passport as identification and who did take an oath.

  
Signature of Notary Public



Stamp of Notary Public